

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LEE M. SIMMONS,

Plaintiff,

vs.

JONATHAN B. JARVIS, in his official
capacity as Director of the National Park
Service; KENNETH L. SALAZAR, in his
official capacity as Secretary of the United
States Department of the Interior; and
UNITED STATES OF AMERICA,

Defendants.

8:13CV0098

MEMORANDUM AND ORDER

The parties disagree on whether this court has subject matter jurisdiction on Count I of the Complaint, whether the plaintiff has standing to pursue the claims alleged, and whether discovery can be allowed on Court II in this case. (Filing No. 27). Accordingly,

IT IS ORDERED:

- 1) The deadline for filing Plaintiff's motion to amend complaint, if any, is January 10, 2014.
- 2) On or before January 17, 2014, the defendants shall file their motion to dismiss for lack of jurisdiction or for failure to state a claim on Count I, their motion to dismiss for lack of standing, their motion to deny discovery, and any opposition to any motion to amend filed by the plaintiff..
- 3) Plaintiff's brief in opposition to the defendants' motions to dismiss and motion to deny discovery shall be filed on or before February 14, 2014.
- 4) Defendants' reply brief shall be filed on or before February 28, 2014.
- 5) No discovery will be initiated until the Court rules on the defendants motions.

December 9, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge